

HOUSE BILL 2360  
By Mumpower

AN ACT to amend Chapter 84 of the Private Acts of 1991; as amended by Chapter 140 of the Private Acts of 1996, Chapter 2 of the Private Acts of 1997, Chapter 130 of the Private Acts of 2002 and any other acts amendatory thereto, relative to Charter of the City of Bristol.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 2-2(a) of Chapter 84 of the Private Acts of 1991, as amended by Chapter 140 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by deleting the third sentence from the end in its entirety and substituting instead the language "All qualified voters of the city may vote for candidates for all of the seats notwithstanding the residency of the voter within the city."

SECTION 2.

(1). Section 2-5 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the introductory language in its entirety and substituting instead the language "The city council shall have the following powers:".

(2). Section 2-5 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting subdivision (6) in its entirety and substituting instead the following language:

(6) Water; police protection; fire protection. To provide the city with water by contracts, waterworks within or beyond the city limits, or provide for supplying the city with water otherwise; to provide for the appointment of a police force; to impose fines, forfeitures and penalties and costs for the breach of any ordinance; and to provide for the prevention and extinction of fires, and to organize and establish fire companies.

(3). Section 2-5(9), of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the language "and appropriation by the recorder".

(4). Section 2-5 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by renumbering the following subdivisions (15) [Condemnation of land], (16) [Additional powers to join with Bristol, Virginia], (17) [Lighting of streets, etc.], (18) [Weeds, grass and noxious growth], (19) [Operation of motor vehicles generally; annual license fees], and (20) [Additional powers to accept gifts of property generally], as subdivisions (18), (19), (20), (21), (22) and (23), respectively.

(5). Section 2-5(19)(a) , as renumbered, is amended by deleting the subdivision in its entirety and substituting instead the following language:

(a) Such City of Bristol shall have the power through its city council in its corporate capacity to acquire, hold and own by gift, devise, condemnation, purchase or otherwise, real and/or personal property within or without the City of Bristol, Tennessee, for public library purposes, for the use and benefit of the citizens of the said City of Bristol and to own, finance, maintain and operate a public library either exclusively and in its own right, or jointly with the City of Bristol, Virginia, and for the purpose of maintaining and operating such public library.

(6). Section 2-5(23), as renumbered, of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting from the subsection the language "The Charter of the City of Bristol, Tennessee, be, and the same is hereby amended so as to grant to said city the following additional powers:".

(7). Section 2-5 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is further amended by adding the following language as new subdivisions (15), (16) and (17) respectively:

(15) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and

public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation. Franchises may be granted for a period of time to be fixed by the city council. The council may prescribe in each grant of a franchise, the rate, fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing streets, alleys and thoroughfares that thereafter may be opened.

(16) Assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula is prescribed by ordinance.

(17) Levy a hotel/motel tax, in accordance with the provisions of tennessee code annotated, section 67-4-1425, upon any structure or campground, or any portion of any structure or campground, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp, campground, whether temporary or permanent, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

SECTION 3. Section 2-6 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting subsection (a) in its entirety and by substituting instead the following language:

(a) Until otherwise changed by the city council, regular meetings of the city council shall be held at 7:00 p.m. on the first Tuesday of each month at the

city hall. Special meetings may be called at any time by the mayor, by two (2) councilmen, or by the city manager, but only after at least twenty-four (24) hours written notice to all councilmen in the city and publication of notice at least twenty-four (24) hours in advance of meeting in a daily newspaper circulating in the city. All meetings of the council, whether regular or special, shall be open to the public and shall be conducted according to law. If the business at any regular or special meeting is not completed on the day the council convenes, the council may adjourn such meeting to any subsequent day. The place for council meetings cannot be changed except by resolution or action of the council.

SECTION 4. Section 2-11 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amending by inserting the following language at the end of the section:

The cost of such bond shall be paid by the city.

SECTION 5. Section 2-13 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following language:

Section 2-13.

The city council is forbidden to make any appropriations or subscribe for stock in any company or corporation, except under the general law of the state, or give or lend money, aid, or credit to any person, company or corporation whatsoever; and they are hereby prohibited from employing or appropriating the revenue and taxes in other manner than for purposes strictly municipal and local and according to the provisions of this charter and the general laws of the state.

SECTION 6. Section 2-20(b) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the language "three (3) copies" and substituting instead the language "one (1) copy".

SECTION 7. Section 3-2 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 3-2.

Any candidate for election under this charter who shall to any person pay, give or offer to pay or give, or promise directly or indirectly, money, office, or anything of value, or who shall knowingly suffer any person to do so for the purpose of obtaining the vote or influence of any elector, or of obtaining such person's vote or influence against an opposing candidate, shall be disqualified as councilman in addition to the other penalties prescribed by law for such offenses.

SECTION 8. Section 3-5 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the language ", initiative and referendum" the third line from the end of Section 3-5, and by substituting instead the language " and reconsideration".

SECTION 9. Article II of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting Section 3 in its entirety and by substituting instead the following language as new sections 3-6, 3-7 and 3-8 respectively:

Section 3-6. Recall.

The mayor or any councilman of the City of Bristol may be removed from office by the qualified voters of said city. The procedure to effect such removal shall be as provided in tennessee code annotated, section 2-5-151, except that the petition for recall must contain valid signatures in number equal to at least twenty-five percent (25%) of those registered to vote in the city or fifty (50%) of those voting in the last municipal election, whichever is greater; and the completed petitions shall be filed with the county election commission within ninety (90) days after final certification by the county election commission, as required by subsection (c) of tennessee code annotated, section 2-5-151. Additionally the petition shall comply with tennessee code annotated, section 6-53-108 and contain one or more specific grounds for removal. No city council member shall be submitted to more than one recall election during his current term of office.

The commissioners of election shall make, or cause to be made, publication of notice and all arrangements for holding such election and the result

thereof declared, and the expenses thereof paid in all respects as in other city elections.

The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the said commissioners of election shall place his name on the official ballot without nomination. In any such removal election the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor.

#### Section 3-7. Reconsideration.

No ordinance passed by the council, except when otherwise required by the general laws of the state, or by the provisions of this charter, shall go into effect before seventeen (17) days from the time of its final reading, and if during said seventeen (17) days a reconsideration petition signed by electors of the city equal in number to at least fifteen percent (15%) of those registered to vote in the city protesting against the passage of such ordinance, be presented to the city council the same shall thereupon be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance. If the same is not entirely repealed, the city council shall submit the ordinance for referendum as is provided for by tennessee code annotated, section 2-5-151 (f)(2). Whether repealed by the city council or by referendum, the city council may not pass the same or a substantially similar ordinance within a period of two (2) years from the date of repeal or until such time as a majority of the city council that participated in the passage of the original ordinance has been re-elected or replaced. In the event that more than one petition is filed for reconsideration of the same ordinance, the petition filing first and completed with the appropriate signatures shall prevail and the others shall be terminated.

Section 3-8. Signers of petitions.

Petitions provided for in this charter shall be signed by none but qualified voters of the city. Whether a petition shall fall under tennessee code annotated, section 2-5-151 or not, it shall comply with section (e) of that statute. Such petition shall be published at least one time in a daily newspaper circulating in the City of Bristol at the expense of the city and a copy shall be posted at city hall.

SECTION 10. Section 4-1(a) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the language "recommend" and substituting instead the language "determine".

SECTION 11. Section 5-1(c) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by the following language:

(1). Section 5-1(c), is amended by inserting the following language as a new subdivision (9):

(9) He shall execute contracts and other documents and instruments on behalf of the city.

(2). Section 5-1(c)(9), is amended by renumbering subdivision (9) as a new subdivision (10).

SECTION 12. Section 5-2 of Chapter 84 of the Private Acts of 1991, as amended by Chapter 2 of the Private Acts of 1997, and any other acts amendatory thereto, is amended as follows:

(1). Section 5-2, is amended by deleting the language "and treasurer" from the title.

(2). Section 5-2, is further amended by deleting the first paragraph and subdivision (1) in its entirety and substituting instead the following language as a new section:

The city manager shall appoint a city recorder who may be assigned other duties in accordance with section 4-1.

(1) The recorder shall give such bond to the city as may be established, the cost of such bond to be paid by the city; and shall have power to administer oaths.

SECTION 13. Section 5-9 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following language:

Section 5-9.

No officer or employee elected or appointed in said city shall be interested directly or indirectly in any contract or job for work or material, or the profits thereof or service to be furnished or performed for the city. No such officer or employee shall accept or receive, directly or indirectly, from any business using or operating under a public franchise, any free passes or services, nor shall such other employee receive any other valuable consideration upon terms more favorable than is granted to the public generally. Upon the finding that the provisions of this section have been violated, a civil penalty of a fine only not exceeding fifty dollars (\$50.00), or the amount permitted by law, may be assessed, and any such contract or agreement shall be void. Any officer or employee of said city who, by solicitation or otherwise, shall exert such person's influence, directly or indirectly, to influence other officers or employees of such city to adopt his or her political view or favor any particular person or candidate for office, or who shall in any manner contribute money, labor, or other valuable thing to any person for election purposes, shall be punished by a civil penalty not exceeding the amount permitted by law.

SECTION 14. Section 5-11 of Chapter 84 of the Private Acts of 1991, as amended by Chapter 130 of the Private Acts of 2002, and any other acts amendatory thereto, is amended by inserting the language "as amended" immediately following "Tennessee Code Annotated, Section 6-54-123".

SECTION 15. Section 6-2(a) of Chapter 84 of the Private Acts of 1991, as amended by Chapter 140 of the Private Acts of 1996, and any other acts amendatory thereto, is amended by



inserting the language "within the city" following the language "the residency of the voter" at the end of the fifth sentence of the section.

SECTION 16. Section 6-2(e) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following language:

(e) Each member of the board of education shall be required to execute and file with the recorder a bond in the sum of five thousand dollars (\$5,000) for the faithful discharge of their duties, the cost of such bond to be paid by the board of education, and shall take and subscribe the oath of officers of the city.

SECTION 17. Section 7-2 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting the following language:

Section 7-2.

It shall be the duty of the chief of police and members of the police department to preserve order in the city, to protect the inhabitants and property therein from violence, crime, and all criminal acts, to prevent the commission of crime, violations of law and city ordinances, to perform general police duties and to execute and return all processes, notices and orders.

SECTION 18. Section 7-3 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety.

SECTION 19. Section 8-1 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by inserting the language "whether within or without the state," following the language "expenditures" in the first sentence.

SECTION 20. Section 9-6(c) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by inserting the language ", as amended." immediately following the language "Tennessee Code Annotated".

SECTION 21. Section 10-1 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and by substituting instead the following language:

Section 10-1.

Municipal court established. A municipal court is hereby established and constituted for the said City of Bristol, Tennessee, which court shall try all offenses against the city ordinances and shall have the power and exercise the function of a justice of the peace, and shall also have jurisdiction over those state traffic offenses and misdemeanors the city is authorized to enforce and which have been adopted by ordinance.

SECTION 22. Section 10-7(c) of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the subsection in its entirety and substituting instead the following language:

(c) The compensation of said judges shall be as fixed by the city council and shall be paid on a basis to be determined by the city council. Such compensation shall not be decreased or increased during the current term of office of the judge.

SECTION 23. Section 10-10 of Chapter 84 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following language:

Section 10-10.

The municipal judge, in all cases heard or determined by this court for offenses against the corporate laws and ordinances, shall tax in the bill of costs an amount as established by the city council, and a litigation tax as provided by state law shall be added to that amount. The recorder shall certify to the chief of police for collection, all fines, costs and forfeitures imposed by the municipal court for offenses against the laws and ordinances of the city, to be paid into the treasury.

SECTION 24. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Bristol. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Bristol and certified to the secretary of state.

SECTION 25. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 24.